

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LARRY BOWOTO, et al.,

No. C 99-02506 SI

Plaintiffs,

v.

**ORDER GRANTING DEFENDANTS'
MOTION TO COMPEL KRETZMANN
MEMO**

CHEVRON CORP. et al.,

Defendants.

Defendants have moved to compel the production of a memorandum prepared by Stephen Kretzmann, a former employee of Project Underground. In its August 29, 2006 Order Granting in Part Defendants' Motion to Compel (Docket No. 1213), the Court ordered plaintiffs to produce the memorandum for *in camera* inspection to determine whether, in light of the substantial need which has been demonstrated by defendants,¹ the memo should be produced. The Court has reviewed the document *in camera*, and finds that no "mental impressions, conclusions, opinions, or legal theories of an attorney" are contained in the memorandum, and that such mental impressions of Mr. Kretzmann as are included are fact-bound and, on balance, should be produced. *See* Fed. R. Civ. P. 26(b)(3). Accordingly, the Court GRANTS defendants' motion to compel with respect to the Kretzmann memorandum.

IT IS SO ORDERED.

Dated: September 13, 2006



SUSAN ILLSTON
United States District Judge

¹Defendants made a showing of "substantial need" by demonstrating that Kretzmann's notes, audiotapes, and pictures have all been lost and that Kretzmann testified that he remembers very little from his visit. The memorandum therefore appears to be the only record of Kretzmann's 1999 visit to Nigeria.